

**REMARKS**

Claims 1-18 are pending in the application. Claim 1 is objected to as containing a typographical error. Claims 1-18 are rejected. Claims 1, 2, 10 and 12 are amended herein.

**Information Disclosure Statement**

Applicant acknowledges that only the references cited by the Examiner on form PTO-892 have been considered.

**Claims Objections**

Claim 1 (as well as claim 10) has been amended to correct the typographical error cited by the Examiner.

**Claims Rejections Under 35 USC § 103**

Claims 1, 4, and 8 are rejected as obvious over Kelly (U.S. Pat. No. 6,052,848) in view of Hickerson (U.S. Pat. No. 5,103,979) and Tanaka et. al. (U.S. Pat. No. 5,016,303). Kelly discloses a body support pillow having a U-shaped central section and parallel depending legs. In one embodiment (Figs. 1-2), top and bottom portions are sewn together around their periphery leaving the ends of the leg sections open.. The pillow is then stuffed through closeable zipper openings provided at the open end of each leg section. (col. 3, lines 24-29) In another embodiment (Figs. 12-13), the interior of the pillow is divided by sewn-in baffles into three separately stuffable compartments all accessible through a single continuous zipper opening through which stuffing can be inserted or removed by the user of the pillow. (col. 4, lines 38-46).

In the method of the present invention, two skins are sewed together near their outer edges except for a portion of the mid-section, thereby forming an interior and a middle region with an opening into the interior through which fill material is blown. Claim 1 has been amended to specify that the resulting interior is continuous, for example as shown in Fig. 12 and as described in the present specification at page 6, paragraph [0030]. Kelly teaches filling a continuous interior through openings at the end of each arm, not through a single opening in the mid-section, as required by amended claim 1. If the pillow is to be adequately filled through a

single opening in the mid-section, Kelly teaches that separate compartments need to be sewed in the interior through an opening in the mid-section. Kelly does not teach the claimed combination of forming both an opening in the midsection and filling a continuous interior through that opening. Therefore, Kelly is distinguished over amended claim 1.

Hickerson teaches blowing fill materials into pillows through a nozzle and Tanaka discloses (foam) pillows with IFD values (expressed in pounds per square inch) that are in the claimed range (an IFD of 20 Newtons using a 4" indenter plate is roughly equivalent to an IFD of 7 pounds per square inch). However, *assuming arguendo*, that it would be obvious for one skilled in the art to combine these teachings with Kelly, the combination does not result in the claimed invention. Using the blowing process and apparatus (nozzle) of Hickerson to fill the pillow of Kelly through an opening in the middle region to a firmness (IFD rating) taught by Tanaka would result in a pillow with a compartmentalized interior, not the continuous interior required by amended claim 1. Although Kelly discloses a pillow with a continuous interior, Kelly teaches that such interior is filled through openings at the end of the arms, not through an opening in the middle region, as required by amended claim 1. For these reasons, amended claim 1, and claims 4 and 8 dependent thereon, are not obvious over Kelly in light of Hickerson and Tanaka. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 2 and 3 are rejected as obvious over the combination of Kelly/Hickerson/Tenaka, further in view of Koch (U.S. Pat. No. 4,393,520). It is noted that claim 2 has been amended to correct a typographical error wherein reference was made to the inner surface of the skins facing each other both before and after turning the shell inside out. As argued above, the combination of Kelly/Hickerson/Tenaka does not teach or suggest the invention of amended claim 1 on which claims 2 and 3 are dependent. The addition of the Koch disclosure does not make the invention defined by amended claim 1 obvious because it does not anticipate or suggest a method whereby a pillow with a continuous interior is filled through an opening in the middle region of the pillow. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 5 and 6 are rejected as obvious over the combination of Kelly/Hickerson/Tenaka, further in view of Matthews '185 (U.S. Pat. No. 6,279,185). As argued

above, the combination of Kelly/Hickerson/Tenaka does not teach or suggest the invention of amended claim 1 on which claims 5 and 6 are dependent. The addition of the Matthews '185 disclosure does not make the invention defined by amended claim 1 obvious because it does not anticipate or suggest a method whereby a pillow with a continuous interior is filled through an opening in the middle region of the pillow. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 7 is rejected as obvious over the combination of Kelly/Hickerson/Tenaka, further in view of Matthews '720 (U.S. Pat. No. 6,038,720). As argued above, the combination of Kelly/Hickerson/Tenaka does not teach or suggest the invention of amended claim 1 on which claim 7 is dependent. The addition of the Matthews '720 disclosure does not make the invention defined by amended claim 1 obvious because it does not anticipate or suggest a method whereby a pillow with a continuous interior is filled through an opening in the middle region of the pillow. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 9 is rejected as obvious over the combination of Kelly/Hickerson/Tenaka, further in view of Brown (U.S. Pat. No. 6,453,493). As argued above, the combination of Kelly/Hickerson/Tenaka does not teach or suggest the invention of amended claim 1 on which claim 9 is dependent. The addition of the Brown disclosure does not make the invention defined by amended claim 1 obvious because Brown does not anticipate or suggest a method whereby a pillow with a continuous interior is filled through an opening in the middle region of the pillow. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 10 and 17 are rejected as obvious over Kelly in view of Hickerson, and claim 11 is rejected as being obvious over Kelly/Hickerson further in view of Tanaka. Claim 10 has been amended to specify that the resulting interior is continuous. As previously argued, Kelly teaches filling a continuous interior through openings at the end of each arm, and filling separate compartments in the interior through an opening in the mid-section. Kelly does not teach or suggest the claimed combination of forming both an opening in the midsection and filling a continuous interior through that opening. Hickerson teaches blowing fill materials into pillows through a nozzle and Tanaka discloses pillows with IFD values in the ranges specified in claim 11. The combination of Kelly/Hickerson/Tanaka does not result in the claimed invention

for the same reasons set forth above with respect to the rejection of claims 1, 4 and 8. Kelly is distinguished over amended claim 10 and claims 11 and 17 dependent thereon for the same reasons set forth above with respect to claims 1, 4, and 8. For these reasons, amended claim 10, and claims 11 and 17 dependent thereon, are not obvious over Kelly in light of Hickerson and Tanaka. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 12 and 13 are rejected as being obvious over Kelly/Hickerson in view of Koch. It is noted that claim 12 has been amended to correct a typographical error wherein reference was made to the inner surface of the skins facing each other both before and after turning the shell inside out. As argued above, the combination of Kelly/Hickerson does not teach or suggest the invention of amended claim 10 on which claims 12 and 13 are dependent. The addition of the Koch disclosure does not make the invention defined by amended claim 10 obvious because it does not anticipate or suggest a method whereby a pillow with a continuous interior is filled through an opening in the middle region of the pillow. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 14 and 15 are rejected as being obvious over Kelly/Hickerson in view of Matthews '185. As argued above, the combination of Kelly/Hickerson does not teach or suggest the invention of amended claim 10 on which claims 14 and 15 are dependent. The addition of the Matthews '185 disclosure does not make the invention defined by amended claim 10 obvious because it does not anticipate or suggest a method whereby a pillow with a continuous interior is filled through an opening in the middle region of the pillow. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 16 is rejected as obvious over Kelly/Hickerson in view of Matthews '720. As argued above, the combination of Kelly/Hickerson does not teach or suggest the invention of amended claim 10 on which claim 16 is dependent. The addition of the Matthews '720 disclosure does not make the invention defined by amended claim 10 obvious because it does not anticipate or suggest a method whereby a pillow with a continuous interior is filled through an opening in the middle region of the pillow. Reconsideration and withdrawal of the rejection is respectfully requested.

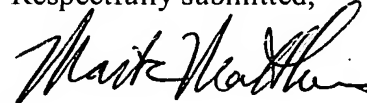
Claim 18 is rejected as obvious over Kelly/Hickerson in view of Brown. As argued above, the combination of Kelly/Hickerson/Tenaka does not teach or suggest the invention of amended claim 10 on which claim 18 is dependent. The addition of the Brown disclosure does not make the invention defined by amended claim 10 obvious because Brown does not anticipate or suggest a method whereby a pillow with a continuous interior is filled through an opening in the middle region of the pillow. Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Mart C. Matthews  
Reg. No. 26,201

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 303-571-4321  
MCM/cl  
60645474 v1